

FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

02 JUL 29 PM 3: 12

DWIGHT RUDOLPH,

Petitioner,

V.

WARDEN BEN KING and THE  
ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,

### Respondents.

U.S. DISTRICT COURT  
N.D. OF ALABAMA

CV 02-C-1052-S

**ENTERED**


JUL 29 2002

# MEMORANDUM OPINION

The petitioner, Dwight Rudolph, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The respondents filed a response to this court's order to show cause why the relief should not be granted. (Doc. 10). The response includes a motion to dismiss this action due to the fact that it is moot premised on the petitioner's release from custody. The court has afforded the petitioner an opportunity to respond and he has failed to do so. (Doc. 11).

Premised on the foregoing, the respondents' motion to dismiss as moot is due to be granted. Rudolph's petition for a writ of habeas corpus is due to be dismissed as moot. An appropriate order will be entered.

DONE, this 29<sup>th</sup> day of July, 2002.

  
U. W. CLEMON  
Chief United States District Judge

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